

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DESIREE MERCADO,

Plaintiffs,

v.

COUNTY OF MERCED, et al.,

Defendants.

Case No. 1:20-cv-00161-NONE-SAB

ORDER ADVISING PLAINTIFF
MERCADO THAT FAILURE TO APPEAR
AT THE JANUARY 6, 2021 HEARING ON
DEFENDANT'S MOTION TO DISMISS
WILL BE CONSTRUED AS AN
INDICATION THAT PLAINTIFF IS NO
LONGER PROSECUTING THIS ACTION

On November 12, 2020, an order was filed lifting a stay in this action and, as relevant here, requiring Plaintiff Mercado to file proof of service on certain defendants in this action. (ECF No. 46.) In the order, the Court found that it appeared that Plaintiff Mercado was no longer prosecuting this action due to her prior failures to comply with court orders. (*Id.* at 3.) On November 25, 2020, a motion to dismiss was filed based on Plaintiff's failure to comply with the Federal Rules of Civil Procedure and court orders. (ECF No. 52.) Plaintiff has not filed an opposition to the motion.

Currently, a hearing on the motion to dismiss is set for **January 6, 2021 at 10:00 a.m.** in Courtroom 9 and Plaintiff has been ordered to contact Courtroom Deputy Mamie Hernandez at (559) 499-5672 at least forty eight (48) hours prior to the hearing to obtain information on how to appear by video at the hearing. (ECF No. 54.) **Plaintiff is advised that if she again fails to appear at the January 6, 2021 hearing, the Court will construe her non-appearance as a**

1 statement that she is no longer interested in prosecuting this action, and it will be
2 recommended that the entire action be dismissed with prejudice.

3 The Clerk of the Court is directed to serve a copy of this order on Plaintiff Mercado at
4 1625 Richland Avenue, Apt. 24, Ceres, CA, 95307 and by email at mercadoviktoria@gmail.com.

5
6 IT IS SO ORDERED.

7 Dated: December 29, 2020


UNITED STATES MAGISTRATE JUDGE